



Entered on Docket
November 01, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
SVRB 4.5 Loan**

Hearing Date: September 30, 2011

Hearing Time: 9:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The SVRB 4.5 Loan ("SVRB 4.5 Loan") [DE 8831] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the
2 borrower or from the collateral securing the SVRB 4.5 Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8831] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the SVRB 4.5 Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

SVRB 4.5 Loan

Single Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the SVRB Investment) Loan	Approximate Amount Subject to Partial Objection Because it Relates to an Investment In the SVRB \$4,500,000 (SVRB Investment) Loan
10725-02372	1/16/2007	Aquino, John P & Lisa	2950 Cabrillo San Francisco, CA 94121-3532	50,000.00	50,000.00
10725-01459	11/16/2006	Dupin, William & Penny	545 Cole Cir Incline Village, NV 89451-8108	15,823.00	15,823.00
10725-01837	1/2/2007	Graf, Paul D & Margaret A	2530 Great Hwy San Francisco, CA 94116-2613	19,897.62	19,897.62
10725-02370	1/16/2007	Graham, Nanci	240 Upper Terrace #3 San Francisco, CA 94117-4516	15,823.13	15,823.13
10725-02447-2	4/19/2007	Gunderson, Wynn A & Lorraine J	33941 N 67Th St Scottsdale, AZ 85262-7250	170,979.00	170,979.00
10725-02246	1/12/2007	Mcquerry Family Trust	William Mcquerry 318 Singing Brook Cir Santa Rosa, CA 95409-6483	61,705.60	61,705.60
10725-01814	12/21/2006	Park, Young Jin & Sejin	4417 Los Reyes Ct Las Vegas, NV 89121-5345	15,823.13	15,823.13
10725-02396	1/16/2007	Patrick M Skain & Saw Lim-Skain	300 Crestlake Dr San Francisco, CA 94132-1321	31,646.74	31,646.74
10725-01824-2	12/28/2006	Wyatt, Kenneth H IRA	Po Box 370400 Las Vegas, NV 89137-0400	19,906.48	19,906.48

EXHIBIT A

2430561.1